

UNITED STATE DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

05 - 11045 GAO

Michael Baez, Plaintiff

Michael Maloney, Former Commissioner of Corrections

Eugene Marsolais, Former Director of Special Ops. Division

Edward Fiala, Superintendent of Souza Baranowski Correctional  
Center (S.B.C.)

Robert Lashua, Lt. Team Leader on Extraction Team

Edmund Treason, Sgt. on Extraction Team

John Flowers, Sgt. on Extraction Team

Michael Craven, Sgt. on Extraction Team

Brian McManus Correctional Officer on Extraction Team

David Shaw, Correctional Officer on Extraction Team

Joseph Rackett, Correctional Officer on Extraction Team

Charles Huper, Video Operator on Extraction Team

David Boland, Correctional Officer on Extraction Team

DEFENDANTS

## I. Preliminary Statement

1. THIS ACTION IS BROUGHT UNDER 42 U.S.C. SEC. 1983, 1997E(e), SEEKING DECLATORY AND INJUNCTIVE RELIEF AND DAMAGES IN REDRESS FOR THE EXTREME AMOUNT OF BRUTAL FORCE USED BY THE EXTRACTION TEAM THAT LED TO THE MALICIOUS AND SABOTAGE ACTS UPON THE PLAINTIFF. THE COMPLAINT ALSO ADDRESSES SEVERAL ISSUES OF THE CRUEL, UNUSUAL AND ABUSIVE TREATMENT UPON PLAINTIFF WHEN HE RETURNED FROM THE OUTSIDE HOSPITAL AND WAS PLACED BACK IN THE UNIT AND CELL WHERE HE WAS UNLAWFULLY BEATEN BY THE EXTRACTION TEAM, HE WAS PLACED IN A CELL WITH NO PROPERTY FOR APPROXIMATELY 3 WKS (THREE WEEKS) AND SUBJECTED TO ABUSIVE TREATMENT BY OTHER CORRECTIONAL OFFICERS.

PLAINTIFF FURTHER CLAIMS OF NEGLIGENCE AND/OR DELIBERATE INDIFFERENCE UPON HIM.

## II. Parties

PLAINTIFF, MICHAEL BAEZ, WHO IS A CITIZEN OF THE UNITED STATES, IS AT ALL TIMES RELEVANT TO THE ALLEGATIONS HERE IN, A PRISONER IN THE CUSTODY OF THE MA DOC.

Defendant, Michael Maloney was the Commissioner of Corrections for the Commonwealth of Massachusetts. Maloney is named as a defendant in both his individual and official capacities.

Defendant, Eugene Marsolais was the Director of Special Operations throughout the regions, he is named as a defendant in his official capacities as relevant to this complaint for monitoring the security of special operations.

Defendant, Edward Filco, is the Superintendent of S.B.C.U. (Suzo-Baranowski Correctional Center), his duties fall under the care and custody of treatment of prisoners housed under his care, he is being sued in both his individual and official capacities.

Defendants, Lashua, Preston, Flowers, McManus, Shaw, Rickett, Craven and Hooper <sup>and Bolduc</sup> ~~and Bolduc~~ at all times relevant to this complaint, they were members of the extraction team and each are named in their individual and official capacities.

### III. JURISDICTION

JURISDICTION OF THE COURT IS FOUNDED ON 28 U.S.C. SECTIONS 1331, 1332 AND 1343, AUTHORITY TO AWARD DAMAGES AND GRANT DECLARATORY RELIEF DERIVES FROM 28 U.S.C. SECTIONS 2201, 2202 AND 1651. THIS COURT HAS PENDANT JURISDICTION OVER THE CLAIMS ARISING UNDER MASSACHUSETTS LAW, AS BOTH THE STATE AND FEDERAL CLAIMS ARISE FROM A COMMON SET OF FACTS.

### IV. STATEMENT OF FACTS

1. ON JUNE 26, 2002, PLAINTIFF WAS HOUSED AT SDCC, CONFINED IN THE SOUTH SIDE SPECIAL MANAGEMENT UNIT (SMU) LOCKED UP 23 HOURS A DAY IN SINGLE CELLS.

2. ON THE ABOVE DATE, PLAINTIFF ALONG WITH OTHER PRISONERS REFUSED TO RETURN THEIR FOOD TRAYS (PLASTIC TRAYS) BECAUSE THEY WANTED TO SPEAK TO SOMEONE IN CHARGE IN REGARDS TO CONFISCATED AND MISSING PROPERTY, AMONG SEVERAL OTHER RELATED ISSUES.

(NOTE: DESCRIPTION OF DEFENDANT - HE WAS 21 YEARS OLD, 5 FT. 7 IN. AND WEIGHED 147 LBS, WITH AN OPEN MENTAL HEALTH FILE.)

3. AN EXTRACTION TEAM WAS ASSEMBLED BECAUSE OF THE PRISONERS REFUSING TO RETURN THEIR PLASTIC FOOD TRAYS. THE NAMED DEFENDANTS ON THIS MOVE TEAM WERE DRESSED UP IN "FULL RIOT GEAR" INCLUDING 2 SHIELD MEN.  
(REVIEW VIDEO AND REPORTS)

4. PRIOR TO THE EXTRACTION TEAM ENTERING PLAINTIFFS CELL, DEFT. LASHUA, APPROACHED PLAINTIFFS CELL AND THREATENED SERIOUS BODILY HARM STATING THAT HE WAS THE LEADER OF HIS "GROUP DEMONSTRATION", AND HE WILL ENSURE THAT THE AMOUNT OF PAIN THAT WILL BE INFLICTED WOULD LEAVE BLIND & ~~AND~~ MENTAL AND PHYSICAL SCARS, LEAVING AN IMPRESSION TO WHERE THE NEXT PRISONER WOULD HAVE SECOND THOUGHTS ABOUT HOLDING THEIR FOOD TRAY.

5. AT SOME POINT IN TIME, DEFT. FICCO GAVE PERMISSION FOR THE EXTRACTION TEAM TO ENTER PLAINTIFFS CELL WHILE HE WAS OBSERVING THE WHOLE OPERATION OF THIS MALICIOUS BEATING OF PLAINTIFF.

6. AS DESCRIBED IN PARAGRAPH 5, THE EXTRACTION TEAM RUSHED INTO PLAINTIFFS CELL AND PROCEEDED TO BEAT HIM IN THE FACIAL TO HIS EYES, NOSE, CHEEKS ~~ON~~ AND LIPS. - INJURIES -



INCLUDED SUTURES (30 SUTURES) TO EYEBROW WITH 2 BLACK EYES (ONE SWOLLEN SHOT) LACERATIONS AND BUT PRINTS LACERATED TO PLAINTIFFS CHEEK. AND MOST IMPORTANT FACT TO REMEMBER - PLAINTIFF WAS SUBDUED IN RESTRAINTS AND STILL THE GUARDS CONTINUED TO BEAT HIM. (SEE MEDICAL DOCUMENTATION AND PHOTOS.)

10. AS DESCRIBED IN PARAGRAPH 9, AS RESULTS OF THESE INJURIES PLAINTIFF WAS TAKEN TO AN OUTSIDE-HOSPITAL EMERGENCY ROOM TO RECEIVE SPECIAL MEDICAL TREATMENT (SEE REPORTS FROM MASSACHUSETTS DEACONESS AND NEW ENGLAND MEDICAL CENTER) THESE REPORTS WILL CONFIRM THAT PLAINTIFF DID NOT INCUR THESE INJURIES FROM A FALL OFF THE BED, THAT HE WAS IN FACT BEATEN, RECEIVED SEVERAL BLOWS TO THE FACE.

11. THE NAMED DEFENDANTS ON THE EXTRACTION TEAM WERE ACTING MALICIOUSLY AND SADISTICALLY. THEY USED EXTREME AMOUNTS OF FORCE TO HURT PLAINTIFF BY INFLECTING TORTUROUS PAIN UPON PLAINTIFF WHO WAS OUTWEIGHED BY OVER 2 THOUSAND POUNDS (SEE PLAINTIFF DESCRIPTION IN PARAGRAPH 2) THESE DEF.'S WERE ALSO DRESSED IN FULL RIOT GEAR.

12. WHEN PLAINTIFF RETURNED FROM THE HOSPITAL UNIT DAYS LATER HE WAS PLACED ON THE SAME TIER AND WAS NOT ALLOWED TO HAVE ANY PROPERTY, HE WAS DEPRIVED OF PROPER TOILETRIES AND HYGIENE ITEMS AND CLOTHING, WHICH ALSO CAUSE A GREAT DEAL OF MENTAL STRESS AND STRAIN.

13. AS DESCRIBED IN PARAGRAPH 12, AN AFFIDAVIT IS SUBMITTED BY ANOTHER INMATE DESCRIBING WHAT PLAINTIFF ENDURED AFTER HE CAME BACK FROM THE HOSPITAL UNIT, THIS AFFIDAVIT CONSISTS OF EYE WITNESS KNOWLEDGE AND HE WILL BE WILLING TO TESTIFY UNDER OATH.

14. PLAINTIFF REFERRED TO "103 CMR 505:08 (1)(2)" THE DEFENDANTS VIOLATED THEIR OWN REGULATIONS BY USING EXCESSIVE FORCE TO PUNISH PLAINTIFF AND TO USE HIM TO SET AN EXAMPLE FOR OTHER PRISONERS, SO THAT THEY WOULD NOT HOLD PLASTIC FOOD TRAYS IN THE FUTURE.

15. DEFENDANTS MALONEY AND MARSHALLS KNEW OR SHOULD HAVE KNOWN THAT WHEN THEY ALLOWED DEFT. FICO TO PUT A PRISONER BACK INTO THE SAME HOSTILE ENVIRONMENT AS THEY DID WITH PLAINTIFF, HE WOULD SUFFER MENTAL

PAIN AND ANXIETY, ALONG WITH HUMILIATION AND EMOTIONAL DISTRESS BY GUARDS WHO WORK THE SAME PRISON.

16. AS DESCRIBED IN PARAGRAPH 15, PLAINTIFF SHOULD ~~BE~~ HAVE BEEN IMMEDIATELY TRANSFERRED TO ANOTHER PRISON SETTING AWAY FROM GUARDS WHO WERE EMPLOYED AT SBC, SO THAT HE WOULDN'T BE INFLECTED WITH THE EMOTIONAL DISTRESS WHICH VIOLATED HIS CONSTITUTIONAL RIGHTS.

17. A REVIEW OF THE ATTACHED PHOTOS AND ~~THE~~ VIEWING OF THE VIDEOTAPE SHOW THAT THE EXTRACTION TEAM INFLECTED THESE INJURIES ON ~~THE~~ PLAINTIFF VIOLATING CMR 503....

## V. Legal Claims

I. DEFENDANTS ACTIONS AS SET FORTH HEREIN CONSTITUTE CRUEL AND UNUSUAL PUNISHMENT OF PLAINTIFF IN VIOLATION OF THE 8<sup>TH</sup> AMENDMENT TO THE UNITED STATES CONSTITUTION, AS WELL AS ARTICLE 26 OF THE MASS. DECLARATION OF RIGHTS.

II. DEFENDANTS ACTIONS AS SET FORTH HEREIN CONSTITUTE DEPRIVATION OF PLAINTIFFS RIGHTS IN



FROM THREATS AND HUMILIATION; C) FREEDOM FROM BEING DEPRIVED OF PERSONAL PROPERTY.

VII. DEFENDANTS BEHAVED INTENTIONALLY AND OUTRAGEOUSLY INFLECTING PAIN, FEAR AND HUMILIATION AMOUNTING TO INTENTIONAL INFLECTION OF EMOTIONAL STRESS AND PAIN.

VIII. AS A DIRECT AND PROXIMATE RESULT OF THESE DEFENDANTS' ACTIONS, PLAINTIFF SUFFERED THE INJURIES DESCRIBED IN THIS COMPLAINT.

## VI. REQUEST FOR RELIEF


A. AWARD COMPENSATORY DAMAGES IN THE AMOUNT OF \$25,000 DOLLARS FROM EACH DEFENDANT.

B. AWARD PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000 DOLLARS.

C. APPOINT A LAW FIRM TO REPRESENT PLAINTIFF. ON THIS PROCEEDINGS.

D. A TRIAL BY JURY ON ALL TRIABLE ISSUES.

c. Award such other Reliefs as  
THIS COURT DEEMS NECESSARY AND  
APPROPRIATE.

RESPECTFULLY SUBMITTED  
  
HROSE

DATE: 5-4-05

MICHAEL BAEZ  
PO BOX 100  
So. Walpole, MA

02071-0100

# CIVIL COVER SHEET

# ATTACHMENT 2

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> <u>Michael BAEZ</u>	<b>DEFENDANTS</b> <u>Michael Maloney, et al.</u>
<b>(b) County of Residence of First Listed Plaintiff</b> <u>New York</u> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>County of Residence of First Listed Defendant</b> <u>GAO</u> (EXCEPT IN U.S. PLAINTIFF CASES ONLY)
<b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> <u>Pro-se</u>	<b>Attorneys (If Known)</b> <u>Doc - Legal Department</u>

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)		
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="0" style="width:100%;"> <tr> <td style="width:50%;"> <input checked="" type="checkbox"/> Citizen of This State  <input type="checkbox"/> Citizen of Another State  <input type="checkbox"/> Citizen or Subject of a Foreign Country                         </td> <td style="width:50%;"> <input checked="" type="checkbox"/> DEF Incorporated or Principal Place of Business In This State  <input type="checkbox"/> DEF Incorporated and Principal of Business In Another State  <input type="checkbox"/> DEF Foreign Nation                         </td> </tr> </table>	<input checked="" type="checkbox"/> Citizen of This State <input type="checkbox"/> Citizen of Another State <input type="checkbox"/> Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> DEF Incorporated or Principal Place of Business In This State <input type="checkbox"/> DEF Incorporated and Principal of Business In Another State <input type="checkbox"/> DEF Foreign Nation
<input checked="" type="checkbox"/> Citizen of This State <input type="checkbox"/> Citizen of Another State <input type="checkbox"/> Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> DEF Incorporated or Principal Place of Business In This State <input type="checkbox"/> DEF Incorporated and Principal of Business In Another State <input type="checkbox"/> DEF Foreign Nation		

IV. NATURE OF SUIT (Place an "X" in One Box Only)						
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>TORTS</b> <table border="0" style="width:100%;"> <tr> <td style="width:50%;"> <b>PERSONAL INJURY</b>  <input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 311 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Federal Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 341 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 351 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury                         </td> <td style="width:50%;"> <b>PERSONAL INJURY</b>  <input type="checkbox"/> 362 Personal Injury—Med. Malpractice  <input type="checkbox"/> 365 Personal Injury — Product Liability  <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b>  <input type="checkbox"/> 370 Other Fraud  <input type="checkbox"/> 371 Truth in Lending  <input type="checkbox"/> 380 Other Personal Property Damage  <input type="checkbox"/> 385 Property Damage Product Liability                         </td> </tr> </table>	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 311 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 341 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 351 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 311 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 341 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 351 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability					
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 44 Voting <input type="checkbox"/> 441 Employment <input type="checkbox"/> 441 Housing/Accommodations <input type="checkbox"/> 441 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Violation of 8th Amendments, etc.

<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b>	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 5/6/05 SIGNATURE OF ATTORNEY OF RECORD [Signature]

**FOR OFFICE USE ONLY**

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG. JUDGE _____
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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) BAEZ v. maloney et al's
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 363, 370, 371, 380, 385, 450, 891. **05-11045 GAO**
- ✓ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.  
NR
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?
- YES ☐ NO ☒
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)
- YES ☐ NO ☒
- IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?
- YES ☐ NO ☒
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?
- YES ☐ NO ☒
7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).
- YES ☐ NO ☒
- A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?
- EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION
- B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?
- EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

Michael Baez Rose

ADDRESS

P.O. Box 100 S. Walpole MA 02227

TELEPHONE NO.